

The Prospects for Post-Conflict Afghanistan: A Call of the Sirens to the Country's Troubled Past

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Introduction

“Democracy is flourishing.”

– President George W. Bush commenting on Afghanistan,
while welcoming President Karzai to the White House, May 23, 2005^[1]

Depending on the information source, the situation in Afghanistan is approaching unheralded success, or tragic failure.^[2] Afghanistan today lies delicately suspended between the promise of stability and democracy, and a return to its chaotic and turbulent past, which unfortunately beckons like the call of the sirens. After decades of relentless fighting in this volatile state, recent years have witnessed watershed elections and significant rebuilding. While much is yet to be accomplished, significant progress has been made in human rights, political, and economic reform, not to mention improvements in infrastructures.

These positive developments are countervailed, however, by a number of extremely disturbing trends: The actual influence and control of the new, democratically elected government of Hamid Karzai extends only weakly beyond the outskirts of Kabul; ethnic fragmentation seems to be on the rise; the country, especially in the east and the south, is racked by an increasingly threatening and sophisticated insurgency that appears to be adopting strategies and tactics used in Iraq; large areas of Afghanistan are still ruled by warlords/druglords; and, possibly most damning for the long-term stabilization of Afghanistan, the country has become a narco-state with its opium crop and transport representing 60 percent of the country's licit 2003 GDP.^[3]

The purpose of this paper is to assess the implications of the “post-conflict” political transition process used for creation of the Kabul regime for Afghanistan's stabilization as well as good governance. In so doing, this paper will review and critique the Bonn Accords and Process—the major driver for Afghanistan's post-conflict transition; assess the current situation in Afghanistan; and examine prospects for democratization, development, and stability. Specific focus will be placed on an analysis of the opportunities and obstacles facing Afghanistan's government and societal transition to peace and stability, and building a nation from its shattered state of the last three decades.

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The Bonn Agreement and Process and Political Reconstruction

Since the fall of the Taliban in late 2001, the “Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions”—commonly referred to as the Bonn Agreement—has driven the Afghan political road map.^[4] Once the defeat of the Taliban became imminent, the Bonn Conference was organized and on December 5, 2001, after nine taxing days of meetings and deal-making between various Afghan factions^[5], the “Bonn Agreement” was signed.

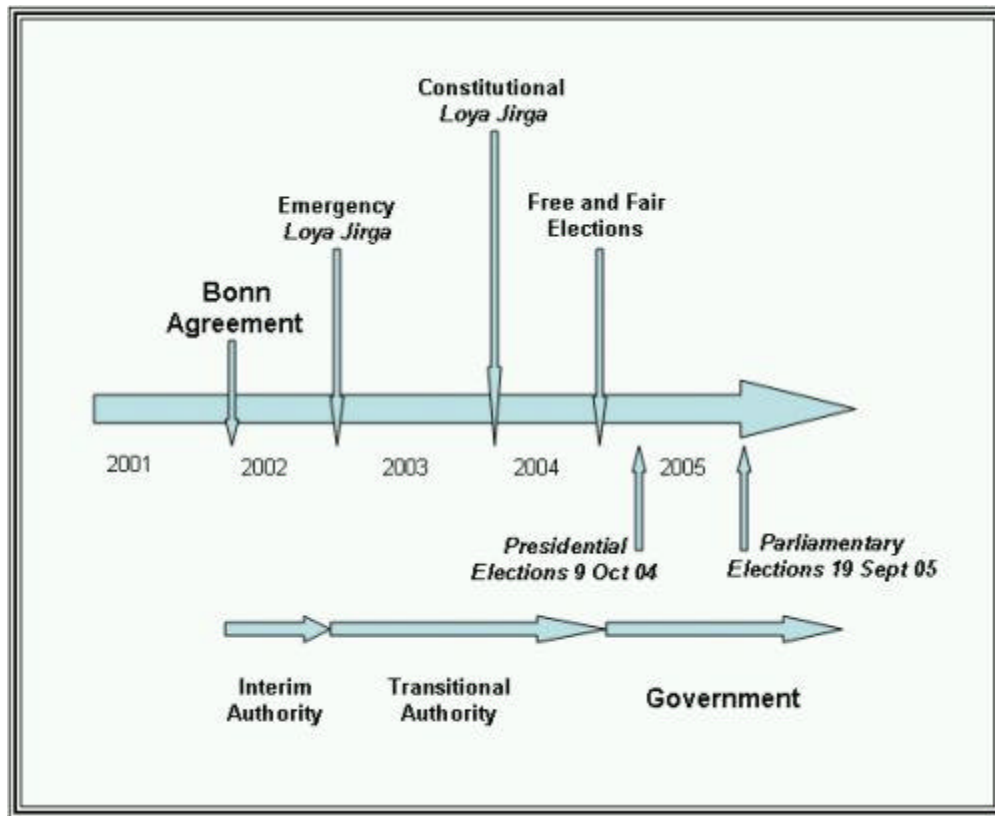
This UN-brokered deal was heavily influenced by the desires of the United States and established the provisional arrangements for Afghanistan to create permanent governmental institutions.^[6] The Bonn Agreement’s goal was to lay the groundwork for Afghanistan’s future political processes and institutions of governance based on the commitment of “the right of the people of Afghanistan to freely determine their own political future in accordance with the principles of Islam, democracy, pluralism, and social justice.”^[7] Unfortunately, and most critical, the agreement was vague on how to explicitly achieve this goal;^[8] rather, *the Bonn Agreement created a government, not a state* by only establishing timetables and benchmarks for future Afghan political processes.

The Bonn Accord was also *not* a “peace agreement” to the decade-long Afghan civil war or conflict between the Taliban and the U.S.-led Northern Alliance, as Bonn only brought together the winners of the U.S.-led Operational Enduring Freedom (OEF), *not* the warring parties. Ironically many of the “winners” were Afghan factions that were historically opposed to each other; indeed many were direct opponents during the brutal civil war that began in earnest after the Soviets withdrew from Afghanistan in January 1989. As such the Bonn Agreement did not represent a conventional peace agreement and did not try to reconcile differences between the warring parties or attempt to draw members of the defeated group—the Taliban—into the process of government re-establishment or state creation. While Bonn did create the agenda and process for the establishment of permanent governance institutions, representing a new level of commitment and political will by both Afghans and major powers, it did not attempt to resolve many *root problems*, most notably, Afghan ethnic fragmentation and distrust that has plagued the country for decades, narcotics production, and regional “warlords.”

As noted by some critics an additional potential problem arising from Bonn was that the agreement, in a very real sense, codified de facto power relations disregarding certain actors’ legitimacy or illegitimacy.^[9] This was particularly pronounced in the allocation of key ministries to the Tajiks and Northern Alliance who at the time of the Bonn conference controlled Kabul in the aftermath of the Taliban’s demise.

[Figure 1](#) is a pictorial overview of the process spurred by this agreement. As suggested by this figure an explicit timeframe was established for the implementation of an interim, transition, and finally a fully representative and elective government. The Bonn Accords also established deadlines and procedures for constitutional development and explicit elections. In addition to creating a process and timetable for the establishment of permanent Afghan government institutions, the Bonn Accords also laid the groundwork for the following: the formation of *loya jirgas*—Emergency and Constitutional; national elections; the role of the United Nations in Afghan reconstruction; the reorganization of Afghan military forces; establishment of an International Security Assistance Force (ISAF), and the discharge of humanitarian and reconstruction aid.

Figure 1: Bonn Process



For the full text of the *Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions*, please click [here](#).

Below I will address and analyze the political dynamics and processes resulting from Bonn for re-establishing the government. Specifically, I will assess the processes involved and the results with the *loya jirgas*, especially the interim and transition administrations and the national elections and their promise for a future stable and democratic Afghanistan.

Interim and Transition Government Authorities[10]

The Bonn Agreement called for establishment of an interim governing structure (Interim Authority) and established a timetable for a transition to a more “broad based gender-sensitive, multi- ethnic and fully representative”[11] government. The Interim Authority was to rule for six months until a traditional *loya jirga* could be convened to elect a Transition Authority or Government (see [Figure 1](#) for timeline). Pashtun tribal leader Hamid Karzai was chosen to serve as head of an interim power-sharing council, which took office in Kabul on December 22, 2001. Most of the remaining administrators/ministers were selected from the representatives participating at the Bonn Meetings.

The United States would most likely not have settled for any Afghan interim leader other than Karzai. After the Taliban’s assassination of Abdul Haq in October 25, 2001[12], Karzai was the one creditable Pashtun leader who the United States knew well and, more importantly, trusted. Karzai a Durrani-Polpolzai Pashtun, was the son of a senator in the government of former King Zahir Shah, who was assassinated in Quetta, Pakistan by suspected Taliban elements in 1999. After his father’s death, Karzai was named the clan chief of the Polpolzai Durrani Pashtuns, which positioned him for a high-level leadership role in post-Taliban Afghanistan as the United States lobbied vigorously in Bonn to secure Karzai his position as the leader of the Afghan interim

government.[13] The United States' unbridled support of Karzai was to become a major theme of post-Taliban Afghanistan.

One outcome of Bonn that would later have significant repercussions to Afghan political dynamics was the composition of Karzai's Interim Administration (Cabinet of Ministers) that was "entrusted with the day-to-day conduct of state." [14] The three most powerful ministries of this cabinet went to Panjshiri Tajiks of the Northern Alliance—which controlled the militia that had secured Kabul since the Taliban's defeat. Yunis Qanooni, who led the Northern Alliance's Bonn delegation, was selected Interior Minister. General Mohammad Fahim, Commander-in-Chief of the Northern Alliance, received the Defense Ministry, and Dr. Abdullah Abdullah was selected as Foreign Secretary. The 30-member interim cabinet included 11 Pashtuns, eight Tajiks, five from the Shi'a Hazara population, and three Uzbeks, with the rest drawn from other minorities. [Table 1](#) presents the members of Afghan Interim Administration.

Table 1: Interim and Transitional Afghan Authority Administrators/Ministers

Interim Authority Position	Name	Ethnicity	Transitional Authority Position	Name	Ethnicity
<i>Chairman</i>	Hamid Karzai	Pashtun	<i>President</i>	Hamid Karzai	Pashtun
<i>Vice-Chair</i>	Mohammed Fahim	Tajik	<i>Deputy President</i>	Mohammed Fahim	Tajik
<i>Vice –Chair and Women's Affairs</i>	Dr. Sima Samar	Hazara	<i>Deputy President</i>	Karim Khalili	Hazara
<i>Vice-Chair</i>	Haji Mohammed Mohaqqueq	Hazara	<i>Deputy President</i>	Abdul Qadir	Pashtun
<i>Vice-Chair</i>	Ahmed Shakar Karkar	Uzbek			
<i>Vice-Chair</i>	Hedayat Amin Arsala	Pashtun			
			<i>Special Advisor on Security</i>	Yunus Qanooni	Tajik
<i>Defense Minister</i>	Mohammed Fahim	Tajik	<i>Defense Minister</i>	Mohammed Fahim	Tajik
<i>Foreign Minister</i>	Abdullah Abdullah	Tajik	<i>Foreign Minister</i>	Abdullah Abdullah	Tajik
<i>Finance Minister</i>	Hedayat Amin Arsala	Pashtun	<i>Finance Minister</i>	Ashraf Ghani	Pashtun
<i>Interior Minister</i>	Yunus Qanooni	Tajik	<i>Interior Minister</i>	Taj Mohammed Wardak	Pashtun
<i>Planning</i>	Haji	Hazara	<i>Planning</i>	Haji	Hazara

<i>Minister</i>	Mohammed Mohaqqeqk		<i>Minister</i>	Mohammed Mohaqqeqk	
<i>Communications Minister</i>	Ing. Abdul Rahim	Tajik	<i>Communications Minister</i>	Masoom Stanakzai	Pashtun
<i>Borders Minister</i>	Amanullah Zadran		<i>Borders Minister</i>	Arif Nurzai	Pashtun*
<i>Refugees Minister</i>	Intayatullah Nazeri	Tajik	<i>Refugees Minister</i>	Intayatullah Nazeri	Tajik
<i>Small Industries Minister</i>	Aref Noozari	Pashtun	<i>Mines Minister</i>	Juma M. Mahammadi	Pashtun
<i>Mines and Industry Minister</i>	Mohammed Alim Razm	Uzbek	<i>Light Industries Minister</i>	Mohammed Alim Razm	Uzbek
<i>Public Health Minister</i>	Dr. Sohaila Siddiqi	Pashtun	<i>Public Health Minister</i>	Dr. Sohaila Siddiqi	Pashtun
<i>Commerce Minister</i>	Sayed Mustafa Kasemi	Shiite Muslim	<i>Commerce Minister</i>	Sayed Mustafa Kasemi	Shiite Muslim
<i>Agriculture Minister</i>	Sayed Hussain Anwari	Hazara	<i>Agriculture Minister</i>	Sayed Hussain Anwari	Hazara
<i>Justice Minister</i>	Abbas Karimi	Uzbek	<i>Justice Minister</i>	Abbas Karimi	Uzbek
<i>Information and Culture Minister</i>	Saeed Makhdoom Rahim	Tajik	<i>Information and Culture Minister</i>	Saeed Makhdoom Rahim	Tajik
<i>Reconstruction Minister</i>	Mohammed Fahim Farhang	Pashtun	<i>Reconstruction Minister</i>	Mohammed Fahim Farhang	Pashtun
<i>Haj and Mosques Minister</i>	Mohammad Hanif Balkhi	Tajik	<i>Haj and Mosques Minister</i>	Mohammed Amin Naziryar	Pashtun
<i>Urban Affairs Minister</i>	Abdul Qadir	Pashtun	<i>Urban Affairs Minister</i>	Yusuf Pashtun	Pashtun
<i>Public Works Minister</i>	Abdul Khalig Fazal	Pashtun	<i>Public Works Minister</i>	Abdul Qadir	Pashtun
			<i>Social Affairs Minister</i>	Noor Mohammed Karkin	Turkman
<i>Water and Power Minister</i>	Ahmed Shakar Karkar	Uzbek	<i>Water and Power Minister</i>	Ahmed Shakar Karkar	Uzbek
<i>Irrigation Minister</i>	Haji Mangal Hussein	Pashtun	<i>Irrigation & Environment Minister</i>	Ahmed Yusuf Nuristani	Pashtun
<i>Martyrs and</i>	Abdullah	Pashtun	<i>Martyrs and</i>	Abdullah	Pashtun

<i>Disabled Minister</i>	Wardak		<i>Disabled Minister</i>	Wardak	
<i>Higher Education Minister</i>	Sharif Faez	Tajik	<i>Higher Education Minister</i>	Sharif Faez	Tajik
<i>Air Transport & Tourism Minister</i>	Abdul Rahman		<i>Civil Aviation & Tourism Minister</i>	Mir Wais Saddiq	Tajik
<i>Labor and Social Affairs</i>	Mir Wais Saddiq	Tajik			
<i>Transportation Minister</i>	Sultan Hamid Hamid	Hazara	<i>Transportation Minister</i>	Saeed Mohammed Ali Jawad	Shiite Muslim
<i>Education Minister</i>	Abdul Rassoul Amin		<i>Education Minister</i>	Yunus Qanooni	Tajik
<i>Rural Development Minister</i>	Abdul Mailk Anwar	Tajik	<i>Rural Development Minister</i>	Hanif Asmar	Pashtun
			<i>Supreme Court Chief Justice</i>	Sheikh Hadi Shinwari	Pashtun

From a Tajik-dominated party. For a printable version of Table 1, please click [here](#).

The composition of this cabinet or group of administrators resulted in a variety of problems and helped to undermine the Karzai interim as well as transitional regime in many circles. Critics contended that neither Bonn nor the chosen government was very representative of the traditional power centers in Afghanistan. In particular, relatively few Pashtuns were given administrative/cabinet positions. Pashtuns expected this imbalance to be corrected in the Emergency *Loya Jirga* (which was to select the Transitional Administration) with Karzai shifting the balance of power back to Pashtuns and giving the former king a prominent national role. The Bonn Agreement called on a Transitional Authority, including a broad-based transitional administration, “to lead Afghanistan until such time as a fully representative government can be elected,”^[15] no later than two years from the convening of the Emergency *Loya Jirga*. The Emergency *Loya Jirga* was also to elect a Head of State for the transitional administration.

In addition to the selection of Harmid Karzai as Transitional President (a surprise to no one), the main issues concerning government composition of the Emergency *Loya Jirga* (of June 2002) turned out to be the role of the former king—Zahir Shah—and his representatives as well as the role of the Panjshiris. Once the former king gave his support for the election of fellow Pashtun Karzai as the Afghan head of state, ethnic issues were temporally diffused as subjects such as religion, the role of parliament, stability, and economic development dominated the *jirga* debates. This diffusion of ethnic suspicions and rivalry, however, proved short-lived.

As suggested by [Table 1](#), Karzai increased Pashtun representation in his new Transition Administration. Pashtun membership increased from the 11 members in the Interim Administration to 16 members while the remaining ethnic groups stayed fairly constant relative to their total representation in the Transition Administration.^[16] This increase in Pashtun representation was most certainly an attempt by Karzai to shore up support with his Pashtun brethren as well as to respond to earlier criticisms from people such as Lakhdar Brahimi, the Special Representative of the U.N. Secretary General, who suggested that the Emergency *Loya*

Jirga should be used to correct the imbalances of the cabinet resulting from Bonn to more closely reflect the Afghan demographics. Nonetheless, many of the most important and powerful ministries stayed in the hands of the Tajiks (*Shura-e Nezar*) who were still in control of the security apparatus dominating Kabul.

The most problematic and sensitive appointments made by Karzai after his selection as Transition President were in the area of security. As suggested in [Table 1](#), Karzai renamed Mohammed Fahim, leader of the Northern Alliance forces based in the Panjshir Valley, as defense minister. He also appointed Fahim as one of three vice-presidents, strengthening Fahim's position in the Transition Government.^[17] This move was a clear indication of the power of the Tajiks as well as the Northern Alliance and signaled Karzai's acceptance of the Panjshiris as necessary partners in his militarily weak government. Karzai apparently recognized that he could not keep stability without the help of powerful factional leaders such as Fahim.

For all practical purposes there was only one key change in the cabinet resulting from the Emergency *Loya Jirga*—the departure of interior minister Yunus Qanooni. Qanooni, a senior *Jamiat-e Islami* figure, who represented Northern Alliance interests at Bonn, played a key role at Bonn in initially securing support for Karzai's candidacy among leaders of the powerful, Tajik-led political and military coalition. But in the months leading up to the Emergency *Loya Jirga* the relationship between Karzai and Qanooni became contentious reflecting much of the traditional distrust between Afghan Pashtuns and Tajiks.

Karzai's dismissal of Qanooni was met with considerable controversy. After the announcement of the appointment of Taj Mohammed Wardak, an elderly governor and ethnic Pushtun, as the new Interior minister, Panjshiri soldiers and policemen in the ministry initially resisted the change with roadblocks and work stoppages. Karzai, recognizing the implications of alienating the Tajiks as well as the reality of the considerable military strength of the Northern Alliance and especially the Panjshiris, eventually resolved the "crisis" by appointing Qanooni as adviser for internal security, a newly created post, as well as minister of education.^[18]

At the time of the Emergency *Loya Jirga*, Fahim, Qanooni, and Ahmad Zia Massoud^[19] were all vying for the leadership of the Panjshiris (*Shura-e Nezar*), and relations among them became reportedly strained. The demands by Pashtuns that Panjshiri power should be reduced exacerbated relations in particular between Fahim and Qanooni. Indeed Qanooni eventually organized the Afghan opposition party and anti-Karzai alliance—*Hizb-e Afghanistan-e Nawin* (New Afghanistan Party), while Massoud (in association with Fahim) formed *Hezb-e Nohzat-e Melli-ye Afghanistan* (Afghanistan National Movement Party). Karzai seemed to be caught in the middle of this politicking amongst the Panjshiri clique.

Assessment of the Loya Jirgas to Post-Conflict Stability: Afghanistan's Ethnic Dimension

Questions of ethnicity are critical in assessing the implications of the *loya jirgas* to future Afghan political and social stability. Past attempts at modern state formation in Afghanistan that have directly challenged the local tribal and religious structures of society have resulted in ethnic backlash and state failure. Most recently, it has been argued by some that political factions from the former *mujahideen* parties, especially the Tajik *Shura-e Nezar* faction manipulated the *loya jirga* process as well as the Transitional Administration and that "President Hamid Karzai failed to grasp the opportunity to establish new constituencies and develop support for the peace-building process. Instead, Afghans have been frustrated by opaque procedures that increase the power of the factions in control of the central government and undermine attempts to create a new public culture of accountability."^[20]

Afghanistan is a country with a diverse ethnic composition that complicates democratic, as well as, state formation. The present boundaries of Afghanistan were created to serve as a buffer between British and Russian Empires as Afghanistan confronted modernity through its forced integration into a Eurocentric state.^[21] These “virtual” borders were not drawn along ethnic, linguistic, or religious lines and created an externally imposed “state” comprised of a complicated mix of people mostly living in small, kin-based communities outside of the limited urban areas. The underlying issue for Afghanistan's governments has been their inability to create a sense of genuine national unity in times other than during crisis.^[22] The lack of nationalism compared to the deep-rooted ethnic identity of the majority of Afghans reflects the realities confronting ethnically fragmented societies attempting to coalesce into one unified front.

Today, Afghanistan is made up primarily of: Pashtuns who would like to see a strong and Pashtun-run central state; Tajiks who focus on power sharing in the central state; and Uzbeks and Hazaras who desire recognition of their identities and mechanisms of local government.^[23] Although some of these groups are ethnically and linguistically distinct, they are not necessarily different in terms of culture.

Historically, Afghanistan^[24] has been ruled and governed by the Pashtun tribes of the south as they form the largest demographic bloc within Afghanistan. Unlike other ethnic groups, the Pashtuns stress pronounced tribal structures and codes at expense of the state. The Pashtun dominance of government has created an atmosphere of tension between them and the remaining ethnic groups in Afghanistan, mainly Tajiks, Uzbeks, and Hazaras. These tensions have led to conflict as well as the introduction of repressive measures to quell the power struggle of these ethnic minority groups.

These remaining ethnic groups have played certain specific roles within the society as a whole as well as within the government. However, not until the Soviet Union's invasion of Afghanistan did these other ethnic groups truly gain power within the overall societal structure and establish themselves as a political and military force that the Pashtuns could no longer ignore. In the past, fighting for control of the state had occurred primarily between Pashtuns (i.e., Durrani vs. Ghilzais), but as these other ethnic groups rose in importance and made stabs at governing, there became a great struggle within Afghanistan that eventually led to outright civil war and the collapse of the Afghan Government and state structure.

Since the beginning of modern Afghanistan, Afghan rulers have attempted to manipulate ethnic groups in their attempts to control the state. For example, “to weaken the Barakzais, Ahmed Shah, the ‘father’ of modern Afghanistan appointed a separate khan for the Achakzais, making the clan into a separate tribe, a status that they retain today.”^[25] Successful Afghan ruling authorities have been artful in underscoring and exploiting the differences of these groups to include the encouragement of conflict between them in order to maintain control.

Further complicating the dynamics of Afghan society are the relationships between the tribes themselves and between the varying ethnic groups that compose the nation-state. Simply put, the relationships between tribes are generally marked by “competition and outright animosity.”^[26] The failure of many past Afghan regimes has been their inability to bridge the gap between these competing groups and their willingness to play different groups against each other in order to consolidate their power.^[27]

Karzai's choice of cabinet members for the Transition Government represented a compromise between stability and change. Many Pashtuns expected that he would make major changes to the cabinet chosen during the Bonn Meeting by removing factional leaders and appointing a balanced and professional cabinet more in line with the desires of the Pashtun community. Ultimately, this proved to be an impossible task because the leaders of the Northern Alliance were less than accommodating to change that would diffuse the considerable power they received from the Bonn Meeting. The Transition Cabinet reflected Karzai's recognition of the

importance of striking a balance between the Pashtuns and Tajiks. Karzai had become intimately aware after leading Afghanistan's interim government for the previous six months of the uneasy partnership with leaders from the Tajik-led Northern Alliance. He also recognized the extremely difficult task of assembling an administration that would satisfy all major ethnic groups while meeting the country's desperate need for professional governance after years of ruinous conflict.

While the Emergency *Loya Jirga* achieved legitimacy for Hamid Karzai's transitional government—an end-state consistent with the desires of the United States and other international actors, the composition of this cabinet like the original interim administration was met with controversy, especially amongst the Pashtuns. The continued power of the Tajiks reflected by the ministerial portfolios they held did not sit well the Pashtuns (especially from the south and east). The prominent role of Tajiks in the Karzai Government perpetuated the alienation of much of Karzai's critical Pashtun power base. While former King Zahir Shah was named by Karzai as “Father of the Nation,” many Pashtuns were dismayed and angered that none of the King's aides had been given senior posts.^[28] It was viewed by these critical Pashtuns that other than Karzai very few Pashtuns held positions of power in the Afghan cabinet. In July 2002, a *Washington Post* article titled “Pashtuns Losing Faith in Karzai” posited that the Pashtuns were “becoming rapidly disillusioned by a series of developments that have reinforced the power of rival ethnic Tajiks and militia leaders, left the former king politically sidelined and a Pashtun vice president assassinated, and subjected Pashtun villages to lethal U.S. air attacks.”^[29]

While the ethnic tensions would eventually be played out in the Afghan national elections of 2004 and 2005 (see below), the frustrations of many Pashtuns concerning Karzai was becoming explicitly evident. Padsha Khan Zadran, a powerful Pashtun warlord who reportedly controlled the three southeastern provinces of Khost, Paktia, and Paktika in Spring/Summer 2002 summed up the sentiments of many Pashtuns when he asked, “Why are they humiliating Pashtuns? We're the majority. They placed Hamid Karzai at the top as a representative of Pashtuns. But in reality he's no longer a Pashtun. He's sold himself out. He's a traitor. Pashtuns cannot sit around waiting. They will react and will claim their rights.”^[30]

Afghan Constitution

In addition to the two *loya jirgas* discussed above that selected the Afghan interim and transitional administrations, the Bonn Agreement also called for a Constitutional *Loya Jirga* (CLJ) to adopt a new Afghan constitution within 18 months of the establishment of the Transitional Authority. The product of this *loya jirga* process must be considered as a critical foundation for the nation-building process as well as long-term Afghan democratic stability. Special Representative of the Secretary General for Afghanistan Lakhdar Brahimi acknowledged at a January 31, 2003 open meeting of the UN Security Council that the “drafting and ratification of the new constitution...will also be a fundamental state building exercise.” He also stressed the need to “broaden the political base supporting the peace process” because “too many Afghans feel excluded from the government and political transformation which Afghanistan is undergoing.”^[31]

The constitution was developed through three constitution-making organs—the Drafting Commission, the Constitutional Review Commission and the Constitutional *Loya Jirga* with the assistance of the United Nations (especially United Nations Assistance Mission, UNAMA, and UNDP).^[32] During October 2002 Karzai created a nine-member Constitutional Drafting Commission that had the responsibility of producing a preliminary draft of the constitution. As would be experienced throughout the constitutional process, the Transitional Administration failed to establish this commission within the time period established by the Bonn Agreement. While Bonn called for the commission to be established “within two months”^[33] of the Transitional Administration's inception by August 2002, it was not created until October 5, 2002—four months after the Emergency *Loya Jirga* of June 2002 that established the Transitional Administration. Moreover, it was not until November 7, 2002 that former King Zahir Shah inaugurated this drafting commission. Hence, of the eighteen months originally envisaged in the Bonn Agreement for a

constitution-making exercise, only thirteen remained when this commission began work.[34] This was problematic because even the full eighteen months is a limited amount of time to educate the Afghan people, largely illiterate, and query them on subjects as complicated and foreign as many of those contained in the constitution.

In April 2003 the draft constitution was presented to the Constitutional Review Commission, a 35 member commission, appointed by the president. As was the case with the drafting commission, this review body was “marked by considerable delay and involved primarily factional bargaining at the cabinet level without significant consideration of the public interest.”[35] This commission was mandated to “consult widely” with the people of Afghanistan and produce a draft constitution by August 30, 2003 for submission to the Constitutional *Loya Jirga* in October 2003. The delays in its formation, originally planned for February 2003 according to UNAMA officials, compromised “the possibility of real public debate, or even public education, about constitutional issues.”[36] Moreover, as argued by the International Crisis Group (ICG), the actual members of the group were “dominated” by *Shura-e Nezar*, and were:

“never likely to yield individuals who could be viewed as legitimate national figures capable of transcending narrow, sectarian interests. Indeed, the eventual list of 35 [members of the commission] reflects in particular the interests of *Shura-e Nezar* and other *jihadi* groups, including Abd al-Rab al-Rasul Sayyaf’s *Ittehad-e Islami Afghanistan*, a group with Salafist inclinations and financial links to Saudi Arabia. One *Shura-e Nezar* appointee is known for his attempts to suppress civil society independent of his party in Kabul. Because several experienced politicians from *jihadi* groups have been included but respected moderate leaders and members of democratic groups are conspicuously absent, it is likely that the commission will be dominated by the former.”[37]

The draft constitution was eventually handed off to the 502-person Constitutional *Loya Jirga* (selected in UN-run caucuses) which actually deliberated on the constitution from December 13, 2003 to January 4, 2004. This representative body, which by a presidential decree could have no participation of either militia commanders or governmental officials, was tasked to confer legitimacy on the constitution through its review and adoption. Guidelines for this *jirga* suggested that:

“In line with traditions of *Loya Jirgas*, the CLJ will be a grand representative meeting made up of all sectors of Afghan society and will deliberate upon and adopt the new constitution. To ensure their active participation in the deliberations, delegates will participate in a weeklong orientation to inform them about the contents of the Draft Constitution and rules of procedures of the CLJ. The CLJ will provide a further opportunity to build consensus on vital national issues and on controversies which might arise during the public consultations after the publication of the Draft Constitution.”[38]

The constitution[39] that was eventually adopted established a strong presidential system with the President serving as both Head of State as well as Head of Government. The President who must be elected by a majority of the popular vote (or win a runoff election between the two top candidates if no candidate received 50 percent of the popular vote in an initial presidential election) was eligible to serve two five-year terms.[40] A proposal sponsored by the Northern Alliance to establish a prime minister as a check on the presidency, was not included in the original draft seemingly because of Karzai supporters’ concerns that a prime minister might emerge as a rival to the presidency.

The constitution established a bicameral legislature and a Supreme Court with High Courts and Appeals Courts, but *no* separate religious courts. The entire question of the Afghan judicial system is a matter of concern since many powerful Islamists presently are in or have influence in the emerging Afghan judiciary.

The legislative body of the *Wolesi Jirga* (Lower House or House of People) was established to promulgate laws, ratify treaties, and approve budgets. It also established that the *Wolesi Jirga* was to consist of 249 seats with members to be elected (concurrently, if possible, with the presidential election) by districts to 5-year terms. The *Meshrano Jirga* (Upper House or House of Elders) was to consist of a mixture of appointed and elected members (one-third of the seats were to be appointed by the president, one-third were to be selected by provincial councils, and one third were to be selected by district councils). This legislative body was given the authority to approve proposed laws and the budget. The constitution also gave the legislature the ability to impeach the president.

The constitution established 34 provinces with each being governed by a provincial council whose members were to be popularly elected to four-year terms. Before this realignment Afghanistan had consisted of 32 provinces. Two new provinces—Panjshir and Diakondi—were added to the political map of Afghanistan.

Map drawing in Afghanistan has always been a contentious issue and has ultimately related to issues of power alignment between Kabul and the hinterlands. For example, after the *mujahideen* captured Kabul and established their Tajik-dominated short-lived government, the number of districts in a number of northern provinces—especially in Badakhshan, the home province of then-President Burhanuddin Rabbani—was increased. The addition of Panjshir (Tajik dominated), established April 13, 2004 from Parwan Province, and Diakondi (Hazara dominated) from the northern section of Oruzgan Province, established March 28, 2004, were proposed by Karzai to further reflect his desire to have a multi-ethnic local government representation and attempt to right the long-held perceptions by minority ethnic groups' perceived administrative injustices against the non-Pashtun regions.

Article 22 of the constitution affirmed women's equality under Afghan law. In stark contrast to the years of Taliban rule during which Afghan women were subjected to well-documented, draconian social rules and abuses, the adopted Afghan constitution also gave particular emphasis to the role of women in the legislature. The constitution explicitly stipulated that for the *Meshrano Jirga* of those appointed by the president, 50 percent were to be women, meaning that one-sixth of upper house members were to be women. In the elected lower house at least 68 of those elected (two per each of the 34 provinces) by the constitution "should" be women.^[41] That gave women about 25 percent of the seats in the *Wolesi Jirga*.

Relative to political parties—institutions vital for a thriving democracy—the constitution was vague. The document allowed for political parties to be established so long as their charters "do not contradict the principles of Islam," and do not have affiliations with foreign countries. The Political Parties Law that was later enacted by the Karzai Government provided the procedures for the legal registration of political parties in accordance with the constitution. This law prohibits political parties whose charters are "opposed to the principles of the holy religion Islam," which is problematic since Islamic principles are open to interpretation. Furthermore, this dynamic affords influential Islamist groups an instrument to block parties they deem politically unacceptable.^[42]

While the constitution and the actual process employed for its ratification and adoption must be seen as positive steps for Afghanistan's future the actual document and process surrounding it were not without flaws and have the potential to inhibit future stability.

Afghan Elections

According to the Bonn Accords, the Transition Authority was "to lead Afghanistan until such a time as a fully representative government can be elected through free and fair elections to be held no longer than two years from the date of the convening of the *Emergency Loya Jirga*."^[43] Elections for the Afghan Presidency, National Assembly, and Provincial Councils were all to be

held concurrently in the spring of 2004. That timetable for the elections was repeatedly changed. A series of events including electoral infrastructure delays, accelerating instability, and the apparent reemergence of the Taliban eventually led to the postponement and separation of the elections for Afghanistan's President, National Assembly, and Provincial Councils. The presidential elections were rescheduled from June 2004 to September 2004, then to October 2004. Finally, a decision was taken to hold only presidential while the National Assembly and Provincial Council elections were eventually schedule for September 2005.

On May 25, 2004, Karzai signed a law that was to govern the elections.[44] This law made the following provisions:

- The populace would vote for individual candidates rather than political parties in the parliamentary elections.
- Government officials who sought office as candidates, *except the president*, were required to resign from their government position at least 75 days before the elections.
- To be eligible to run, presidential candidates were required to produce at least 10,000 copies of eligible voter registration cards as evidence of voters' support.

The months leading up to the elections, originally planned for June 2004, saw a significant rise in violence throughout the country, especially directed towards election workers.[45] While some of this violence could be attributed to the reemergence of Taliban remnants, there was also a significant acceleration of the insurgency (especially in the east and west of the country) against the Karzai regime and American Forces. Voter registration soared in the anticipation of "free and fair" elections with most eligible voters registering even under the cloud of Taliban threats to kill registrants.[46] While 9 million of the eligible 9.8 eligible voters registered, the registration process saw blatant irregularities. "In the provinces of Khost, Nooristan, Paktia, and Paktika, voter-registration rates exceeded eligible voters by 140 percent. In 13 of the 34 Afghan provinces voter registration exceeded the number of eligible voters." [47] All of these provinces lie along the Afghan-Pakistan border where Taliban and insurgent attacks have been frequent. Six other predominantly Pashtun provinces (Laghman, Nangarhar, Kunar, Ghazni, Helmand and Kandahar) were also reportedly over-registered, compared to only three predominantly non-Pashtun provinces—Balkh, Badghis and Herat. The Organization for Security and Cooperation in Europe (OSCE) refused to send election monitors to Afghanistan, because they believed that "the present conditions in Afghanistan [were] significantly below the minimum regarded by OSCE... as necessary for credible election observation." [48]

Considerable politicking reminiscent of the best western political machines took place in the months before the election, partly indicative of the number of candidates on the ballot. In December 2003, Karzai with the encouragement of the United States tried to undercut support for the Taliban by inviting "moderate supporters" of the Taliban, who also happened to be mostly ethnic Pashtuns, to join the political process in an exchange for their agreement to cease fighting the government.[49] Tajik leaders who thought that Karzai's appeal to the Taliban was another indication of Karzai's desire to primarily promote his fellow Pashtuns within his government viewed this moved with suspicion. It was even reported that Defense Minister Fahim and former President Rabbani, two prominent Tajik leaders, and other Northern Alliance figures sought to trade support for Karzai for a role in a coalition cabinet after the elections.[50]

Karzai received de facto endorsement by the U.S. and European governments and Karzai took advantage of U.S. assets during his campaigning. It was also alleged that much of Karzai's campaign financing came directly from foreign countries in direct violation of Afghan election laws.[51] Concerning foreign support for Karzai, it was suggested that:

Karzai was also the only candidate who enjoyed access to U.S. military aircraft for campaign travel as well as round-the-clock protection by a private U.S. security firm. The AREU report also

found ambient suspicion that the U.S. had allocated \$30 million for the registration of Afghan refugees in Pakistan, who are primarily Pashtun, to enhance Karzai's chances for reelection. The appearance of favoritism in the ethnically charged climate of Afghan politics makes it seem that the goal of the campaign is to elect a president at any cost, especially in the eyes of the often ignored and abused non-Pashtun "minorities."[\[52\]](#)

Karzai also took long-expected (and long-threatened) action to marginalize warlords such as Ismail Khan, Rashid Dostum, Ustad Atta Mohammad, and Gen Daud. On September 2004 Karzai removed Ismail Khan as governor of Herat Province.[\[53\]](#) Weakening the power of regional leaders such as Khan and Dostum and expanding Karzai's influence beyond the city limits of Kabul were goals long sought by the United States.

A particular bold move by Karzai on July 26, 2004 was the dismissal of Mohammad Fahim, the powerful Tajik Minister of Defense and leader of the Northern Alliance, as one of his vice presidents. It is very interesting to note that July 26 was the last official date for the filling of presidential election candidacy forms by the official rules adopted by Afghanistan's Joint Electoral Management Body.[\[54\]](#) It is reasonable to believe that Karzai waited to the very last moment before dumping Fahim because he probably expected that such a strategy would not allow for Tajiks to regroup and promote a new candidate. He guessed wrong. Moreover, it has been suggested that Karzai decided to replace Fahim because he viewed his position greatly strengthened by large voter registration. Many believe that his replacement of Fahim had a significant impact on shaking the support of one of Afghanistan's most influential constituencies—*mujahideen* commanders who led the resistance to the 1979-89 Soviet occupation.[\[55\]](#)

Karzai replaced Fahim with Ahmad Zia Masood, brother of legendary Afghan resistance leader Ahmad Shah Masood as one of his vice presidential running mates. On the very same day Yunus Qanooni[\[56\]](#), like Fahim, a Tajik and leader of the Northern Alliance as well as Karzai's Minister of Education, announced his intention to run against Karzai. Up until this point, Qanooni, at least publicly, had been a supporter of Karzai's candidacy. It seems reasonable to assume that a major motivating force for Qanooni's candidacy was Qanooni's desire to retain and preserve Tajik and Northern Alliance influence. Qanooni suggested that that Karzai's dismissal of Fahim exacerbated "inter-ethnic tension" and stated that, "Ethnicity is again becoming a prominent factor in Afghan politics...this is not good for stability."[\[57\]](#) On July 27, Karzai placed Kabul on a high security alert probably because of rumors in the capital that armed forces loyal to Fahim might stage an uprising. In addition to being Afghanistan's defense minister, Fahim commanded the Afghan army's 8th Division, with an estimated 5,000 loyal troops stationed in the Shomali Plain—the fertile land just north of Kabul—and in the capital itself. Fortunately no extra-legal actions were taken by Fahim and his militia.

Qanooni's candidacy soon garnered the support of Fahim, Foreign Minister Abdullah, all core leaders of the Tajik-dominated Northern Alliance. It looked like the election was going to revert to a question of renewed inter-ethnic strife.

Afghan Presidential Elections [\[58\]](#)

On October 9, 2004 the presidential election took place with 18 eligible candidates on the Afghan presidential ballot. Approximately 8 million voters participated and, as expected, Harmid Karzai was elected with 55.4 percent of the vote, three times more votes than any other candidate. Karzai's main opponents Yunus Qanooni, Haji Mohammed Mohaqiq, and Abdul Rashid Dostum received respectively 16.3 percent, 11.7 percent, and 10 percent. Twelve candidates received less than 1 percent of the vote. The lone female candidate Masooda Jalal, finished sixth with 91,000 votes or 1.1 percent. While there were complaints about voter intimidation (especially in the Pashtun south and east), voting procedures, and allegations of multiple voting and

irregularities in counting in some areas, an Impartial Panel of Election Experts concluded that the outcome had not been affected.[59]

Considering that Afghanistan has no extended tradition of universal franchise, and has experienced almost a quarter century of continual conflict in its immediate past, the presidential election should be considered a watershed event. The critical question, however, became what do the results of the election represent?

A statistical analysis of the election results suggests that the election clearly reified traditional ethnic splits in the country and traditional ethnicity remains at the forefront of Afghan politics.[60] Afghan ethnic groups tended to vote along ethnic lines rather than crossover to candidates from other ethnicities. While Karzai was elected with a majority of the vote, he was not elected with a majority of the vote from any ethnic group outside his own, the dominant Pashtun and his claim to represent a truly national candidate with support across ethnic lines is not borne out by this analysis. Qanooni, a leading figure in the Northern Alliance and himself a Tajik, received most of the Tajik vote; while veteran strongman Dostum garnered the votes of his fellow Uzbeks in the north; and Mohaqiq received the vote of the Shia Hazaras of central Afghanistan which he leads. Extremely troubling is that these findings do not bode well for a strong presidential system. Indeed it is reasonable to posit that a strong presidential system can be a recipe for disaster in countries such as Afghanistan where political elites are deeply-divided: a pure presidential system effectively permits only one winner, while potentially generating many disgruntled losers.[61] The Afghan governmental system mapped by the Bonn Agreement could fail miserably if Karzai were to take advantage of the opportunity of his strong office to further the causes of his own ethnic group—the Pashtuns. This would be disastrous for Afghanistan and would likely reinforce factionalism and deepen the rifts between ethnic groups, eventually resulting in civil war or secession. The challenge now facing the current Afghan government is the task of uniting the Afghan people while not repeating the mistakes of the past. The concept of national identity needs to be bolstered but not at the expense of marginalizing ethnic traditions and norms that are valued deeply by the Afghan people. Unifying a fragmented society and fostering the development of a national identity will be extremely difficult because each ethnic group is attempting to gain a foothold in government sometimes at the expense of other groups. Since this attempt at entering government is taken from an ethnic approach, rather than a regional or national one, the fragmentation of society will continue until either one dominant ethnic group controls all of the governmental power or ethnic politics will make way for increased internal conflict.[62]

Afghan Legislative Elections

Afghan legislative elections (including District elections) were initially planned per the 2001 Bonn Agreement to be held simultaneously with the Presidential Elections (originally in June 2004). However, due to a variety of factors including security concerns and the mere complexity of the legislative elections, these elections were postponed to a later date, similarly to what occurred during the constitution process.

The elections that the United Nations judged the most complex in history were eventually rescheduled for September 18, 2005. Approximately 6,000 candidates[63] sought approximately 390 parliamentary (*Wolesi Jirga*) and 217 provincial council positions.[64] Specifically 2,815 candidates, including 347 women, sought *Wolesi Jirga* positions while 3,185 candidates, including 279 women, ran for provincial council positions.

Legislative seats were to be directly elected by the voters. The exact number of representatives elected from each province was based on population data for the provinces provided to the Joint Electoral Management Board (JEMB) by the Central Statistics Office. The seat distribution was determined by the JEMB according to these population figures and calculated using the formula

established in the 2005 Electoral Law. Each province was guaranteed a minimum of two seats. Hence, larger provinces such as Kabul, Herat, and Nangarhar received 33, 17, and 14 seats respectively in the *Wolesi Jirga*, while smaller provinces such as Nimrus, Nurestan, and Panjshir received the minimum of 2 seats. A similar, but more complicated, apportionment of seats was decided for provincial councils (see [Table 3](#)).^[65]

These elections were expected to be a mandate concerning the political direction taken since the ouster of the Taliban and the subsequent Bonn Agreement. The Karzai Administration since taking formal power had pushed vigorously for political reforms and governmental institutionalization; the continuation of Karzai's agenda depended significantly on the government's ability to engender support of a National Assembly. It was also believed that these elections would be a precursor for the establishment of political blocs that would eventually result in actual political parties, a seemingly critical component for a lasting Afghan democracy. Finally it was viewed that the voting patterns of these elections would "signal the extent to which influence [would] be based on common political ground—rather than strictly ethnic, religious, or provincial divisions."^[66]

While the Afghan Presidential election suggested that Afghanistan remains a society deeply divided along multiple fault lines—ethnic, linguistic, and political—the planned Afghan legislative elections and the resulting composition of the National Assembly was viewed by Karzai as well as the international community as critical variables for the development of democratic governance in Afghanistan.

Before addressing the results of these elections it is instructive to first assess the electoral process utilized for this critical Afghan political event. The structure and procedures used for these elections are important indicators of the more general political processes that have been employed since Bonn for the viability of a post-conflict Afghanistan.

A major contention of these legislative elections involved the fact that political party participation was made negligent by the rules adopted for the elections. Candidates were *not* allowed to run under a party banner. Candidates could be independent, nominated, or endorsed by a political party, *but* political party symbols could not appear on the ballot. "The new Electoral Law—not released until May [2005], which excluded the use of party symbols on ballot papers, undermined nascent democratic groupings, while old *jihadi* networks continued to have access to power and resources."^[67] This election rule is a significant reason why there were near 6,000 candidates competing for legislative seats; the election rules played against political parties in favor of individuals. Moreover, this rule portended to favor candidates appealing to regional or ethnic biases rather than political ideologies and programs that would have most certainly accompanied an election that encouraged political party participation. Past experience shows that neglecting or inhibiting political party participation in elections can enhance extremist candidates and positions.

Political parties, in one incarnation or another, have been responsible for much of the past violence in Afghanistan and, moreover, represent different contingent of a fragmented Afghan society. While many Afghans are indeed historically leery^[68] of political parties because parties such as the Communist People's Democratic Party (both Khalq and Parcham factions), the Taliban, and various *mujahideen* parties have helped wreak havoc on the country over the past three decades, the implications of a non-viable pluralistic party system, that should have revealed itself during the legislative elections, does not bode well for future Afghan political stability.

As seen in [Table 2](#)—to view, please click [here](#)—there is no dearth of political parties in Afghanistan. At the time of the elections, numerous parties had formally registered with the government. Since the Bonn Agreement numerous small, democratic parties have been formed that seemed to represent a break from the past and appeared to be essential components for Afghanistan's fledgling democratic ambitions. Nevertheless, "the government has built a hostile

environment for political parties, including electoral laws and decrees that render such groupings all but obsolete.”[69]

There were a variety of reasons for the Karzai Government’s antipathy towards political parties. Sources close to President Karzai have stated that despite his rhetoric to the contrary, he views political parties as a major cause of Afghanistan’s past wars and instability.[70] Karzai has himself has refused to join or organize a party. Karzai running as an independent received a thin majority in the Presidential election and many believed that opposition candidates, representing various political parties, would coalesce to inhibit him receiving a majority of the vote.

While there was little doubt that he would achieve a plurality of the vote there was considerable concern as to his ability to receive a majority of the vote because of the number of candidates and the expectation that many candidates (Qanooni, Dostum, and Mohaqiq) would secure a large number of votes in their ethnic regions. The mathematics were obvious—with 18 opponents, Karzai’s chances of gathering less than 50 percent of the votes were very real and this would have been a set-back for both Karzai and the United States.[71] Of course he did receive a majority of the vote but the threat of candidates coalescing against him still reinforced his initial decision to not allow legislative candidates to run under a political party banner. Karzai’s decision to oppose a draft electoral law in 2004 that would have mandated a party list system was in defiance of advice from the United Nations and international advisers—with the exception of his most powerful backer, U.S. Ambassador Zalmay Khalilzad.[72] “Some party activists and officials, however, believe Karzai’s stance [towards political parties] can be attributed more to rising domestic dissatisfaction with his performance, particularly in his home base, Kandahar.”[73]

In addition to the lack of any meaningful political party participation, a second contention of the process used in the legislative elections was that voters were forced to cast a single non-transferable vote (SNTV). The SNTV rule meant that each Afghan voter cast a single vote even though there would be multiple members to serve their respective electoral district. It is clear that such a system as admitted by the government was an additional instrument used to marginalize the political parties. As suggested *by the Afghan government* the SNTV voting system was selected to:

limit the potential influence of political parties. Voters may select single candidates from among those listed on the ballots under the SNTV system, with those receiving the most votes taking up seats designated for their constituencies. While parties may endorse candidates to both the lower house of the national legislature (People’s Chamber) and to Provincial Councils across the country, those people will compete as individuals. Ballots will include candidates’ names, titles, photographs, and their electoral symbols -- but *not* party endorsements. The role of political parties is widely expected to increase once the national, provincial, and local legislatures begin functioning as candidates form blocs based on party allegiance and other factors.[74]

The decision to utilize the SNTV system of voting for the legislative elections was the subject of considerable criticism. Barnett Rubin writing in the *International Herald Tribune* suggested, “[t]his system in fact virtually guarantees the formation of an unrepresentative parliament of local leaders with no incentive to cooperate with one another or the government. It places a premium on vote-buying and intimidation, since swinging even a small number of votes can easily affect the outcome. Well-organized parties that can propose a limited number of candidates and discipline voters to spread their votes among them can win a disproportionate share of seats.”[75] Other experts argued that SNTV was particularly ill-suited for Afghanistan because the country lacks well-organized political parties. Such an electoral system requires parties to educate their supporters in each region as to how to apportion votes across candidates. In the absence of such education and voting strategies some candidates will receive too many votes and others too few. Thus a party could easily gain a very different number of parliamentary seats than its percentage of the vote might suggest it deserved.[76] But for those parties well-organized and having the ability to discipline their supporters such as large ethnic and regional parties—*Hizb-e-Wahdat* and

Junbish—this could result in disproportionate representation of a few large regional or ethnic parties or conversely result in a fragmented legislature. While the ultimate implications of this type of voting and the resulting legislative makeup will be more apparent over time, SNTV would most definitely prove to have a major impact on the actual election results.

Afghan Legislative Elections Results

After much delay and anticipation Afghan's legislative elections were held on September 19, 2005. [Table 3](#)—to view, please click [here](#)—presents legislative voting data by Afghan province. As presented in this table, 57 percent of the Afghan population had registered and were eligible to vote in these elections. Three provinces had over 100 percent voter registration—Paktika (138 percent), Panjshir (109 percent) and Nurestan (101 percent). These data probably suggest voter fraud relative to the primarily Pashtun province of Paktika which also had significant over-registration in the presidential election registration and overwhelmingly voted for President Karzai (88.4 percent) and the Panjshir province which is the primarily Tajik and home base of the Karzai's major opponent Qanooni. But the over-registration did not lead to additional votes in Panjshir. Only 35 percent of Panjshiri "registered" voters actually voted in the election. This would seem to suggest that the registration process in this Tajik province was of questionable integrity but the ultimate implications proved negligible. The over-registration in the mountainous and remote Afghan province of Nurestan probably reflected poor or inaccurate census data. Voting fraud was also alleged during the presidential elections but it is difficult to assess its implications for the ultimate election results. While not excusing fraud, one should expect that elections in countries such as Afghanistan—with its lack of historical experience in open and free elections and lack of mature electoral infrastructures and logistics—will result in less than totally transparent elections.

More problematic than over-registration in a few provinces was the national election voter turnout—49.8 percent; substantially lower than the October 2004 presidential election. Turnout was highest in the Turkmen, Uzbek, and Tajik ethnic minority provinces in the north—generally over 60 percent—and lowest (below 30 percent) in some of the Pashtun-speaking south-eastern areas where the Taliban insurgency is strongest. This was especially evident in Oruzgan (23 percent) and Kandahar (25 percent), two provinces that have been Taliban strongholds—the former being the home of Mullah Omar and the latter being the spiritual capital of the Taliban (as well as the home base of President Karzai)[[77](#)]—where remnants of the Taliban pursued campaigns of intimidation against prospective voters. Turnout was also surprisingly low (34.5 percent) in Kabul. The lack of turnout in Kabul is especially troubling considering that this urban populace is the most highly educated, and most politically sophisticated, in the country.

The relative lack of voter turnout was probably due to the lack of identifiable party lists and the use of SNTV (discussed above). Both of these electoral rules created confusion in many voters as to who they were voting for. Moreover, the sheer number of candidates running under ballot banner icons such as cups, beds, lions, rings, leaves, footballs, cars, etc. were extremely confusing (see the [Appendix](#) for an example of a portion of an official Kuchi Afghan legislative ballot). Candidates were not able to choose the icons themselves: instead, the electoral committee selected them. Such icons were reportedly used because of the sizable percentage of the Afghan population that is unable to read and write. Illiteracy and lack of voting experience also had other influences on the actual act of voting. *The Economist*, for example, suggested that the size of the ballot in some provinces required ballots of up to 40 pages. In some areas, voters were confused by the notion of "turning pages" of the ballot.[[78](#)]

Election Day did not witness the degree of violence many analysts had expected and feared. No major attacks were directed at Afghan polling centers, but 12 people were killed by violence associated with the election, a very troubling statistic nevertheless.[[79](#)] On October 9, 2005 the first results of the elections were announced. Final results were delayed by accusations of fraud and were not declared until November 12, 2005.[[80](#)]

The results of the election did uphold the notion that the procedures used in this election would favor localized candidates and strong regional figures and groups (see above). In the most general sense, the election for Afghanistan's Parliament and provincial assemblies' suggested a *victory for Islamic conservatives and the mujahideen*. Slightly less than half of the seats of *Wolesi Jirga*, or lower house of the Parliament, were captured by Islamist or conservative religious figures^[81] and while these results do not mandate a clear anti-Karzai Parliamentary majority,^[82] the results did not represent anything near an overwhelming or clear mandate for the Karzai Administration.

The former *mujahideen* leaders elected, for the most part, had an electoral base limited to their own ethnic groups and regions where they exercise considerable influence and control. These commanders had been shut out of the Karzai Administration who favored more ex-pats and technocrats. The legislative elections provided the *mujahideen* an opportunity to reassert their influence through the electoral process. Many of those elected had struggled for years to repel the Soviets from their country and had been extremely disenchanted by the Karzai regime for its failure to embrace them in valuable administrative positions.

While some pro-Karzai candidates such as his brother—Ahmad Wali Karzai—won *Wolesi Jirga* seats the election results represent a defeat for the Karzai Government. The election results suggested that the 249 member *Wolesi Jirga* will consist of five broad, possibly overlapping groups:

1. First, former *mujahideen*, including approximately 40 members of *Hizb-e Islami*^[83] who appear to have distanced themselves from their party leader and current antigovernment fugitive Gulbuddin Hekmatyar;
2. Second, independents, technocrats and those tribal or regional leaders who are not presently affiliated with any of the established Afghan political parties;
3. Third, 11 former communists and other leftists many of whom have and joined *mujahideen* parties or remnants of the Taliban; and
4. Fourth, former members of the Taliban establishment.^[84] Three prominent former Taliban of this last category were ex-commander Haji Mullah Abdul Salaam Rocketi, ex-provincial governor Mawlawi Islamuddin Mohammadi, and a senior former security official, Hanif Shah Al-Hussein.
5. The fifth group of the new parliament consists of former ministers and six deputy ministers of the government, many of whom had been dismissed by Karzai as he attempted to consolidate power over the previous three years. These ex-ministers included former interior and education minister and leader of Karzai's opposition Younus Qanooni, former planning minister Mohammad Mohaqiq, another planning minister Ramzan Bashardost, former commerce minister Syed Mustafa Kazimi, ex-minister for water and energy Mohammad Shakir Kargar, border and tribal affairs minister Arif Noorzai, and former minister for transport Mohammad Ali Javid. The six former deputy ministers elected to the *Wolesi Jirga* included Najiba Sharif, Abdul Qadir Imami, Engineer Mohammad Asim, Hilaluddin Hilal, and Mirwais Yasini.

Abdul Rasul Sayyaf, an ethnic Pashtun and a Karzai supporter who is an extreme Islamist and alleged war criminal as well as terrorist supporter, also won a parliament seat from Kabul with a bare minimum of votes (see below).

Women won 68 seats, slightly more than the 25 percent representation guaranteed under the new electoral system. Females elected to parliament included: Malalai Joya, a vocal proponent of women's rights who rose to prominence during a 2003 constitutional conference when she stood up and denounced *mujahideen* commanders as criminals who should be put on trial; Fauzia Gailani who was the surprisingly leading vote getter in conservative Herat; and Shukria Barekzai, editor of *Woman Mirror* magazine. 50 independents or educated professionals were also elected,

many members of the groups discussed above. Five provincial council seats in the conservative south and east were left vacant because too few women candidates registered.

Karzai's prime presidential opponents and leader of their respective ethnic groups—Qanooni (Tajik), Mohaqiq (Hazara) and Dostum (Uzbek)—were the biggest vote getters in the Kabul and Jowzjan Provinces and appear to have enhanced their opposition positions. "Victories by leading Northern Alliance candidates, local militia figures from the past Communist and Taliban eras could confront Karzai with opposition that could slow government decision-making and cause him to proceed cautiously in his close relationship with U.S. officials in Afghanistan." [85]

Many unknown candidates were also elected. Indeed, because of SNTV and the prohibition of meaningful political party participation, many candidates won virtually by chance. For example, in Wardak Province where 69 candidates competed for 5 *Wolesi Jirga* seats, the leading vote getter (Abdul Reza Rezaee) received 10 percent of the vote. The other winners which included the two former Taliban members including the former planning minister (Haji Mosa Hotak) and a *Hizb-e Islami* candidate (Roshanka Wardak) received from 6.6 percent to 3.9 percent of the votes. Numerous other provinces experienced the same kind of results where candidates were elected by chance! In fact some winners received less than 1 percent of the vote in their respective provinces. In Badakshan Province where 87 candidates ran for 9 seats, Kubra Dehqan was elected yet she only received 0.8 percent of the vote. She received 1825 votes out of 243,740 cast.

[Table 4](#) presents the *Wolesi Jirga* results for the important Kabul Province where 387 candidates sought 33 positions. This table clearly demonstrates many of the problems associated with the election.

Table 4: Kabul Province *Wolesi Jirga* Results

Candidate Name	Votes Received	Percent of Vote
Haji Mohammad Mohaqeq	52,586	13.2%
Mohammad Younus Qanooni	31,225	7.8%
Bashar Dost	30,794	7.7%
Haji Mohammad Arif Zarif	9,934	2.5%
Ustad Abdrab Alrasoul Sayaf	9,806	2.5%
Sayed Mustafa Kazimi	8,884	2.2%
Engineer Abbas	4,645	1.2%
Mullah Mohammad Mojahed	4,624	1.2%
Haji Sayed Jan	3,992	1.0%
Malalai Shinwari	3,869	1.0%
Doctor Kabir Ranjbar	3,333	0.8%
Haji Mohammad Baqir Shaikzada	3,200	0.8%
Doctor Naematullah	3,165	0.8%
Mir Ahmad Juyenda	3,105	0.8%
Mohammad Ismael Safdari	3,083	0.8%
Haji Mohammad Dawood Kalakani	2,900	0.7%

Anwar Khan Auriakhel	2,885	0.7%
Haji Najibullah Kabuli	2,867	0.7%
Mohammad Senkin Tawakalzai	2,808	0.7%
Jamil Karzai	2,602	0.7%
Al-Haj Baidar Zazai	2,415	0.6%
Alami Balkhi	2,324	0.6%
Fatima Nazry	2,322	0.6%
Shukra Barakzai	2,201	0.6%
Mohammad Ibrahim Qasimi	2,171	0.5%
Erfanullah Erfan	2,157	0.5%
Sayed Dawood Hashemi	2,130	0.5%
Shinkai Zahin Karukhel	2,107	0.5%
Shahla Atta	2,040	0.5%
Qudriya Ibrahim Yazdan Parast	1,960	0.5%
Sabrina Saqeb	1,785	0.4%
Fauzia Naseryaar Haidari	1,764	0.4%
Najiiba Sharif	1,547	0.4%

Source: Calculated from data presented by [Joint Election Management Body](#) (JEMB). For a printable version of Table 4, please click [here](#).

Kabul is the most populous province in the country with over a three million people. 1,193,472 Kabulis registered to vote but only 399,810 valid votes were cast (35 percent) As presented in [Table 4](#), Mohaqeq received the highest percentage of votes of any candidate in Kabul—13.2 percent. Qanooni and Dost were the next two largest voting percentages, with 7.8 and 7.7 percent, respectively. *The other 30 winning candidates received from 2.5 to 0.4 percent of the vote.*

Having elected 30 of the 33 representatives to the parliament from the country's capital individually receiving less than 3 percent of their constituents' votes is amazing. 46 percent of the Kabuli electorate voted for losing candidates which would not be surprising if only two or three candidates were running; but for Kabul representation in the legislature there were 387 candidates. *The aggregate nation-wide votes collected by all Wolesi Jirga winners represented only 35.8 percent of the total vote.[86] Put another way, 64.2 percent of the Afghan voters supported losing candidates. A clear majority of Afghan voters supported losing candidates—a very troubling and unique dynamic for a democratic election!*

It is evident that the SNTV and the lack of political party participation helped to skew the elections' results and produce a *Wolsei Jirga* that will be highly fragmented. If this legislative body becomes hopelessly stalemated and ineffectual the odds of groups pursuing their own parochial interests by other means is greatly intensified. This is a dangerous possibility considering that Afghanistan, an ethnically, linguistically, religiously diverse and extremely complex country with no democratic tradition, has been in continual and violent conflict since the 1970s. Faith in the democratic process could quickly wane and encourage the many elements in the country that are already interested in pursuing power via extra-legal ways to act outside of the structures established by Bonn. A legislative impasse in the *Wolsei Jirga* could also push Karzai to

personalize the Afghan government to an even greater extent and in the process alienate his opponents.

What ever the future holds for the Afghan Legislature it seems that this body has had the odds stacked against it. The members of this legislative body were not elected with the support of the majority of Afghan citizens. Moreover, its members consist of a series of influential coalitions of former *mujahideen* and Taliban commanders, communists, tribal nationalists, royalists, warlords, and urban professionals that do not like one another. One recent source reporting on the opening of the *Wolsei Jirga* has suggested:

There is already discord within [the parliament]. Two elected were candidates murdered before the parliament convened. With powers to sack ministers and block legislation, the parliament could make life difficult for Hamid Karzai, Afghanistan's president. How he will juggle its various groups is unclear. For four years, he has veered unpredictably between the *mujahideen* conservative and secular reformist cliques in his government. In the contest to be speaker of parliament, he gave discreet backing to Abdul Rasul Sayyaf, an extreme Islamist accused of revolting war crimes, but a fellow Pashtun. Seemingly, Mr. Karzai considered him the only candidate capable of defeating Yunus Qanooni, the self-styled leader of the opposition and a Tajik. If so, he was wrong. Mr. Sayyaf's war record pushed a number of Pushtun members to back Mr. Qanooni, who defeated his rival and won the contest by five votes... A crucial test of parliament will come later this month when it will vote to approve Mr. Karzai's cabinet. Heads are likely to roll, with the *mujahideen* keen to oust several western-educated, technocratic ministers.^[87]

It is difficult enough for a mature democracy, such as the United States, to deal with a contentious and fragmented legislature. The implications for Afghanistan are immense.

Conclusion

There is little doubt that substantial, indeed historical, achievements have taken place in Afghanistan since the fall of the Taliban, and many of these achievements are directly attributable to the Bonn Process. Nevertheless, the Bonn Process has been tainted by a number of flaws and miscalculations that have impacted on the potential of Afghanistan becoming a democratic, peaceful, and secure country. Barnett Rubin in assessing the Bonn Agreement writes:

It obliged the Afghan government to carry out a series of actions, all of which required international support for their success, but it did not impose any obligation on those whose assistance was essential. Bonn also was lacking in that it was not a peace agreement in the normal sense of the word—that is, an agreement negotiated among the parties to a conflict. The major party to the conflict in Afghanistan, the Taliban movement, was not represented. Bonn took place only because of 9/11 and because the U.S. government decided to react to Al Qaeda's threat by removing the Taliban regime from power militarily. If the United States had not done that, there would not have been any Bonn talks, there would not be any interim or transitional administration, and the Taliban would have remained in control of Afghanistan. These peculiar circumstances created some serious birth defects in the interim administration and its successor.^[88]

Bonn was not a peace agreement that resolved the grievances of the warring parties. The Taliban were not even party to the agreement. The Taliban remnants have regrouped and are presently engaged in an insurgency that is not only intensifying but also mimicking the tactics and strategies employed by the Iraqi insurgents as they target police, international aid workers, and troops. While the Taliban lay relatively dormant after their fall from power, 2005 has witnessed a significant increase in insurgent activities to include suicide bombings, roadside bombs (IEDs), kidnappings, and ambushes. 2005 has seen a significant rise in deaths attributed to the

insurgency that the Afghan government and its international supporters have not been able to eliminate. In retrospect, Bonn should have at least attempted to draw into the political process moderate Taliban. Just wishing the movement to go away is not enough. While the likelihood of the Taliban seizing power is close to nil, they nevertheless continue to wreak havoc on the society through hit and run tactics and intimidation.

The failure of Bonn to address the problem of regional warlords was also a monumental mistake. The interim and transitional governments created by Bonn became dependent on the power base of the warlords. The Afghan Government and the United States used the warlords and their respective militias to help stabilize Afghanistan after the fall of the Taliban and, in so doing, helped to entrench their power and status. Mohammed Fahim, for example, became Defense Minister and an extremely important power broker because the Tajiks of the Northern Alliance controlled Kabul after the fall of the Taliban, not because he was the right man for the defense ministry. His militia guaranteed him a powerful position in the initial Karzai administrations, nothing more. Other regional leaders such as Rashid Dostum and Ismail Khan gained considerable power in a similar fashion. While Karzai eventually moved to co-opt these warlords, with considerable U.S. support, their power base remains intact. The problem of regional militias and the influence of warlords, many fueled by lucrative drug production and trade, is a colossal problem with no end in sight.

The *mujahideen*, especially middle-level commanders who had shed their blood in repelling the Soviet invaders and who always believed that they should be franchised in Kabul, was one group that definitely lost out in and after Bonn. They were virtually ignored by the Karzai administration. The recent legislative elections have given the *mujahideen* new life.

The Afghan Constitution is an extremely important accomplishment of the Bonn Process. But the lack of a full public debate before its ratification was a missed opportunity to have a wide ranging public debate on two divisive issues: the role of Islam and the specification of relations between the Kabul and the regions. Regarding the latter, the recent elections, as suggested above, have reinvigorated the *mujahideen* parties. Many of these parties, however, have a long history of animosity reflecting sharp differences. These divisions between the *mujahideen* and with the central government could deepen factional conflict if improperly handled. Islam, in contrast, could become an umbrella issue that would facilitate a coalition between disparate regional commanders who are discontented with the Karzai administration or searching for ways of expanding their territorial influence. Further, there is a long-term risk that the incorporation of Islam into the constitution will empower extremist groups, like *Ittehad-e Islami Afghanistan* and factions within *Jamiat-e Islami*, at the cost of weakening new democratic groups and undermining the foundations of civil liberties, particularly for women and the Shia minority.^[89]

The findings presented above concerning both the presidential and legislative elections are particularly troubling. Karzai's election was a reification of long held ethnic biases and conflicts. He was not able to engender significant support beyond his Pashtun base and he has not proven to influence much beyond the city limits of Kabul. The legislative election results were even more disappointing. The election rules adopted ironically backfired on the Karzai administration. The election produced a legislature consisting of a strange mix of former *mujahideen* commanders, Taliban, long-defunct communists, royalists, warlords, and urban professionals. Moreover, the voting results suggested that the *Wolesi Jirga* does not have public legitimacy, being elected by a minority of the electorate. The fact that so many candidates could be elected to this important legislative body with less than 5 percent of their respective electorate's support should bring pause to those that believe transparent democracy is "flourishing" in Afghanistan. These elections were tragically flawed and their results have the potential to derail Afghans' faith in democracy and the legislative process if this legislative body turns into a hollow shell.

The *Wolesi Jirga* elections also reinforced the importance of political party participation for a democratic Afghanistan. Karzai's fear of a multiparty system as explicitly stated by the

government in their defense of not allowing their participation was extremely counterproductive. The numerous parties that have been formed since Bonn should be encouraged to participate in public debate. Relegating them to the sidelines of the body politic only increases their probability of attempting to pursue their agendas through other means. Narrowing legal channels for the articulation of ethnic, sectarian, or regional priorities and grievances could promote tensions and discord. Afghanistan is and will remain a fragmented society. But diversity of opinion need not manifest itself in conflict dynamics. Interchange and a viable Afghan multiparty system should be encouraged, not discouraged.

Ultimately the success or failure of Bonn has more to do with Afghanistan itself than the process it employed. While Afghanistan is a legal “state” and a fledgling member of the international system, it is a “state” that has been in a condition of intensive and destructive conflict for nearly three decades. It is impossible to build a democratic state in the absence of a state; and the essential condition for a state is to have an effective monopoly over the means of violence.

There is no escaping the fact that decades of continuous conflict has left Afghanistan without efficient, functioning governmental and political institutions and apparatus, not to mention ineffective security services and a meager civil service. Heavy reliance on the international community and particularly the United States to fill the gap in both functional political processes and security services has left Afghanistan without an effective revenue base, and a dependence on international donor aid for reconstruction.

Even if the Bonn Process had been entirely defect-free, its ultimate results would likely be in question because of the condition of the Afghan “state.” While Afghanistan’s future is being built on new democratic principles, one can only hope that underneath those principles, Afghanistan’s troubled and violent past is not beckoning irresistibly—like the call of the sirens.

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6. The Bonn Agreement was endorsed by the U.N. Security Council Resolution 1385, and an international peacekeeping force was authorized by Security Council Resolution 1386.
7. United Nations, [*Agreement on the Provincial Arrangement*](#), *Op. Cit.*, 2.
8. For a critical assessment of the Bonn Agreement, see: International Crisis Group, [*"Afghanistan's Flawed Constitutional Process," ICG Asia Report*](#) (56): June 12, 2003. Former Bush envoy to Afghanistan and a participant at the Bonn Conference, James Dobbins suggests that: "Democracy was an afterthought for the White House, which believed it had little application for Afghans. At the Bonn conference establishing international legitimacy for the Kabul government, the word 'democracy' was introduced at the insistence of the Iranian delegation." Sidney Blumenthal, [*"Democracy was only an afterthought: The situation in Afghanistan is one of barely managed chaos," The Guardian*](#), July 21, 2005.
9. See: Barnett Rubin, [*"Afghanistan and Threats to Human Security,"*](#) an essay adapted from a speech delivered in Tokyo on December 15, 2001, at the International Symposium on Human Security: "Human Security and Terrorism - Diversifying Threats under Globalization—from Afghanistan to the Future of the World." One criticized defect of the interim government was that it did not closely reflect the demographics of the country. It is interesting to note that even the Rome group of Zahir Shah, the former king, had very heavy non-Pashtun representation, including the group's leader in Bonn.
10. Some of this section is drawn from Thomas H. Johnson, [*"The Loya Jirga, Ethnic Rivalries and Future Afghan Stability," Strategic Insights*](#) 1 (6): August 2002.
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12. [*"Desperate Call From the Valley of Death: Help Us," The Observer*](#), October 28, 2001.
13. Interview with senior U.S. Government official.
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16. Note that the total number of cabinet positions increased in the Transition Government as compared to the Interim Administration.
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37. [Ibid.](#), 16-17.
38. [Ibid.](#), "UNAMA has the primary responsibility for coordinating international technical and financial support to the Project. UNDP had the responsibility of assisting the constitutional process by providing financial management, administrative and operational support. While UNAMA, in particular its Constitutional Support Unit, as well as UNDP were tasked with regularly updating the international partners about the progress and needs of the Commission and facilitate the best means to provide support for it."

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<http://www.afghangovernment.com/2004constitution.htm>.

40. The constitution also stipulated that two vice presidents would run on the same election ticket as the president and one succeeds him in the event of the president's death. Vice presidents were to serve a single five-year term. The constitution provided suggesting that if no presidential candidate receives at least 50 percent of the vote on Election Day, a run-off was to be held within two weeks.

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Appendix: Example of a Section of Afghan Legislative Election Ballot

		01-41-0086 حاجی خان وزیر
		20-34-0086 ذوالفقار خان شینواری
		06-22-0075 وکیل عبدالرحمن
		10-62-0032 حاجی شہزادہ
		19-08-0022 سید محمد حریق
		03-78-0113 صوفی عبدالستار هوتک

Source: [Joint Election Management Body \(JEMB\)](#)